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Sixteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1565 (2004) of 1 October 2004, by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of Congo (MONUC) until 31 March 2005 and requested me to keep it informed regularly of developments in the Democratic Republic of the Congo. The report covers political and military developments since my report of 16 August 2004 (S/2004/650) and reviews progress made in the implementation of the MONUC mandate.

II. Political developments

2. While there has been progress in the implementation of the transitional agenda and the relationship between the components of the Transitional Government has remained stable during the reporting period, the security situation in the eastern Democratic Republic of the Congo has remained highly volatile and a cause of deep concern.

3. In regard to the Transitional Government, the Bukavu crisis of May/June and the Gatumba massacre of 13 August polarized the relationships between the Government components, leading RCD-Goma to temporarily suspend its participation in the transition on 23 August. Following sustained pressure, including from international partners, RCD-Goma rejoined the transition on 1 September and the Transitional Government committed itself to preparing a new road map that would ensure the proper implementation of the Global and All-Inclusive Agreement. The road map has been adopted by the Council of Ministers and is reviewed on a monthly basis. Nevertheless, progress, has remained slow. In this connection, decisions on senior appointments have been difficult, particularly in regard to the further extension of civilian State administration, public enterprises, the diplomatic service and the specialized security services.

* A list of abbreviations used in the present report appears at the end of the document.

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4. In regard to the transitional legislative agenda, the Senate has prepared a first draft of the Constitution, which provides for a unitary State with considerable powers devolved to the provinces. However, issues such as the balance of power between the President and the Prime Minister, the electoral system and the minimum age requirement for the presidency have yet to be clarified. The laws on nationality and on the defence and armed forces were promulgated on 12 November. While the law on voter registration has been adopted, it has not yet been promulgated, and the amnesty, decentralization and electoral laws are still under discussion in the Parliament.

5. In regard to elections, there are two major challenges to meeting the June 2005 schedule. The first is the logistic aspects of the elections, given the size of the country and lack of infrastructure. The second relates to the considerable delays in the passage of essential legislation. While the Independent Electoral Commission has yet to prepare a realistic operational timetable, and inform the public of the expected registration and polling dates, it has indicated its intention to launch a voter education campaign to prepare the electorate of some 28 million voters.

6. The Independent Electoral Commission has prepared, with the assistance of MONUC, an electoral budget totalling $285 million, of which $167 million has been pledged by donors. These funds will be channelled through a trust fund managed by the United Nations Development Programme (UNDP). On 2 November, a Steering Committee was established to manage this trust fund, and on 18 November the fund was operationalized with the disbursement by the Netherlands of $8.8 million in electoral assistance. The Commission has also established 8 of its 11 provincial offices and is now in the process of establishing 64 liaison offices and identifying sites for an estimated 9,000 voter registration centres. For its part, MONUC has opened 10 of its 15 field electoral offices.

7. There are high expectations that MONUC will play a significant role in the delivery of, and provision of security for, registration and ballot materials throughout the country, and these costs were not included in the Independent Electoral Commission's electoral budget. MONUC and the Commission are therefore taking steps to develop a realistic electoral logistics plan in order to clearly delineate tasks and to seek donor support for their implementation.

Regional relations

8. Following protracted mediation, on 22 September the Foreign Ministers of the Democratic Republic of the Congo and Rwanda signed the terms of reference for the Joint Verification Mechanism, which provides a framework for the parties to address jointly cross-border issues of mutual concern, including the remaining ex-FAR/Interahamwe in the country. The Joint Verification Mechanism is composed of the Joint Verification Commission, which serves as a policy-making and review body, and Joint Verification Teams of technical experts from the parties, MONUC and the African Union. On 5 October the first meeting of the Joint Verification Commission took place in Kigali, and on 29 November the parties officially endorsed the concept of operations for the Joint Verification Teams and provided MONUC with the names of their representatives to the teams.

9. Separately, on 26 October, the Democratic Republic of the Congo, Rwanda and Uganda signed an agreement brokered by the Government of the United States

of America on regional security, with a view to strengthening trilateral relations and enhancing efforts to prevent the use of their territories by foreign combatants. Under the agreement, the parties recommitted themselves to ensuring the disarmament, demobilization and repatriation of foreign armed groups within 12 months of the date of its signature and established a Tripartite Joint Commission. The first meeting of the Commission, scheduled to take place on 10 December in Kigali, was cancelled due to the absence of the Democratic Republic of the Congo delegation.

10. On 19 and 20 November, the first summit of heads of State and Government of the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region took place in Dar es Salaam. The leaders of 11 African States, including the Democratic Republic of the Congo, Rwanda and Uganda, declared their collective determination to create sustainable peace and security for the States and people of the Great Lakes region. Towards this end, guiding principles were established in the areas of peace and security; democracy and good governance; economic development and regional integration; and humanitarian and social issues. An inter-ministerial committee is to be established to elaborate specific programmes and implementation mechanisms with a view to translating the Dar es Salaam principles into concrete action. These programmes of action are to be adopted at a second summit of heads of State and Government of the International Conference, to be held in 2005.

III. Security situation

Ituri

11. While security in Ituri had improved earlier this year, the situation deteriorated sharply during the reporting period. Between 1 September and 15 December, the MONUC Ituri brigade sustained some 40 incidents of direct fire from armed militias in various locations. On 20 September, 300 armed militias, believed to belong to FRPI, attacked the village of Lengabu, killing 14 civilians and burning over 90 houses. The Bunia Public Prosecutor has begun judicial proceedings against some of the assailants, and the Office for the Coordination of Humanitarian Affairs and other humanitarian partners have provided assistance to the local population. In early December, MONUC took control of Ndrele and Mahagi from FAPC militias, which had been abusing local civilians and preventing children from entering the disarmament process. In the following days, over 80 combatants enrolled in the disarmament programme and the human rights situation in the area improved considerably.

12. With the assistance of MONUC and UNDP, on 1 September the Transitional Government commenced a programme of disarmament and community reintegration for an estimated 15,000 eligible militia members. However, the implementation of the programme has been hindered by the reluctance of militia leaders, particularly those of UPC and FAPC, to allow their soldiers to disarm, and by the Transitional Government's failure to fulfil its pledge to integrate some of the militia leaders into the national army. In this connection, by mid-December only 1,506 former combatants, including 724 male and 169 female children, had registered for the programme.

13. In August and September the Transitional Government deployed to Ituri three FARDC battalions that had been trained with the assistance of the Government of Belgium. These units assist in the provision of security, including at the disarmament and community reintegration transit centres. While FARDC has faced logistical constraints since its deployment, necessary equipment donated by Belgium has begun to arrive in Bunia, thus improving its operational capacity. The brigade has been well received by the local population as a symbol of the extension of State authority.

Katanga and Kasai

14. On 13 and 14 October, a group of six armed men belonging to the so-called Revolutionary Movement for the Liberation of Katanga briefly captured the town of Kilwa, 50 kms from the Zambian border, with the stated intention of seeking the "independence of Katanga". The occupation of Kilwa resulted in the displacement of its population, which reportedly fled in fear of reprisals by FARDC. On 15 October, FARDC re-established control over the town. A MONUC investigation suggested that during the attack and its immediate aftermath, FARDC elements were responsible for the indiscriminate killing of over 70 persons. The Transitional Government has yet to respond to the MONUC request to open an independent and transparent investigation into these killings.

15. Between 20 and 25 September, violence broke out in Mbuji-Mayi, the capital of Kasai Oriental province, when mine workers and other elements of the population attacked street children and adults associated with them, accusing them of creating a climate of insecurity. The violence resulted in the death of some 18 street children and youths. A MONUC investigation into these events highlighted the failure of the local authorities to prevent the violence and to provide protection programmes for street children.

The Kivus

16. The reporting period witnessed a dangerous increase in tensions between the political and military factions in the Kivus. Reports were received of regular clashes between Mayi-Mayi and ex-RCD-Goma, as well as between FDLR and ex-RCD-Goma, particularly in and around Masisi, Walikale, Gungu and Rutshuru. In South Kivu, the attempt of Banyamulenge refugees to return from Burundi led to violent demonstrations and an increase in ethnic tensions, particularly in Uvira and the Ruzizi Plain.

17. Security along the border with Rwanda in both Kivus seriously deteriorated in November and December, with Rwandan accusations of FDLR attacks on Rwanda and Democratic Republic of the Congo accusations of Rwandan troop presence in the Democratic Republic of the Congo. In a meeting with the mission of the Security Council in Kigali on 21 November, President Kagame reported that on 15 November the ex-FAR/Interahamwe had shelled two Rwandan border villages, 25 kms north-east of Gisenyi. On 23 November the Special Envoy of Rwanda to the Great Lakes Region informed some embassies in Kigali of his Government's intention to conduct a "surgical strike" against FDLR on Congolese soil. These threats were followed by reports of a build-up of Rwandan troops on Rwanda's

border with the Democratic Republic of the Congo and exacerbated tensions between the eighth (North Kivu) and the tenth (South Kivu) military regions, as well as between local communities in the Kivus.

18. On 29 November the Transitional Government submitted an official complaint to the Joint Verification Mechanism, alleging the presence of thousands of Rwandan troops in the Kivus since January 2004. On 14 December, a Joint Verification Team visited the area of Tongo to verify the presence of Rwandan forces. While the team was unable to confirm such a presence, it received reports from the local population of ex-FAR/Interahamwe activities in the area. Another Joint Verification Team investigation, scheduled to take place on 15 December, was cancelled due to the security concerns cited by its Rwandan members.

19. Fighting unintentionally broke out between Congolese elements in North Kivu on 12 December, when FARDC units composed mainly of ex-RCD-Kisangani/ML combatants, while being redeployed southward from Beni towards Goma, came into contact with mainly Rwandaphone ex-RCD-Goma units at Kanyabayonga, a strategic border point. While it is unclear which side initiated the hostilities, on 15 December MONUC was able to confirm that ex-RCD-Goma forces were in control of the town and that most of its inhabitants had sought refuge in nearby areas. Skirmishes between the groups continued. On 20 December, North Kivu Governor Serufuli and the newly appointed commander of the North Kivu military region travelled towards Kanyabayonga and managed to secure an initial ceasefire between dissident ex-RCD-Goma commanders and FARDC.

20. In the days following the initial clashes, the Transitional Government took a number of steps to lessen tensions. These included the appointment of the new commander of the North Kivu military region and the dispatch on 17 December of a 51-member Transitional Government delegation, representing the different components, to help with mediation efforts. This grouping stayed in Goma for five days, meeting with all the actors involved in the crisis. On 21 December, the International Committee in Support of the Transition (CIAT), accompanied by the Special Representative of the Secretary-General, also visited Goma.

21. The Government of Rwanda, separately, also made some efforts to improve bilateral relations with the Democratic Republic of the Congo. On 19 December, Foreign Minister Murigande informed the diplomatic community in Kigali that his Government was withdrawing its "threat" to send troops into the Democratic Republic of the Congo, noting that it would trust the international community to address the matter of the remaining ex-FAR/Interahamwe on Congolese territory, which it continued to insist threatened the security of its country.

22. On 21 December, MONUC reinforced its military presence in the Lubero area in support of the ceasefire and established a 10-kilometre-wide security zone in the Kanyabayonga/Lubero area to protect the civilian population and ensure access for the distribution of humanitarian assistance.

Disarmament, demobilization, repatriation, resettlement and reintegration activities

23. To date more than 11,300 foreign combatants and their dependants have been repatriated to Burundi, Rwanda and Uganda. Although MONUC continues to meet

with representatives of foreign armed groups to persuade them to disarm and return to their countries of origin, the repatriation rate has decreased considerably since April 2004, due to heightened tensions in the Kivus. In this connection, the Transitional Government has reiterated its readiness to address the problem, and on 8 December, the Conseil supérieur de la défense declared its willingness to use force should persuasion prove to be insufficient. In the meantime, three FARDC brigades were deployed to South Kivu, including troops brought in from other parts of the Democratic Republic of the Congo, to conduct operations to disarm and repatriate FDLR. MONUC and FARDC have agreed to establish combined operations centres and engage in joint planning to support these operations.

24. The first such operation, which was carried out in the vicinity of Walungu, near Bukavu, on 8 November, proceeded well in its initial days and put considerable pressure on FDLR. However, due to command and control problems and logistic shortfalls, some FARDC elements have reportedly resorted to attempts at collusion with the FDLR elements. The ability of FARDC to sustain such operations is therefore questionable until it is provided with the necessary logistic and other support, including salaries. MONUC is working with the Government and donors to address these problems.

25. Although no precise timetable has been set, FARDC intends to take a more proactive and forceful stance with regard to FDLR, which MONUC would support. In this connection, the Transitional Government has announced plans to train up to four brigades, which are to be deployed into the Kivus over the coming months. The purpose of these actions would be to establish more conducive conditions that would enable rank-and-file combatants and their dependants to enter the disarmament, demobilization, repatriation, resettlement and reintegration programme on a voluntary basis by disrupting FDLR command and control, communications and logistics.

Defence sector reform

26. A number of bilateral donors are providing technical assistance for the reform and integration of the armed forces of the Democratic Republic of the Congo, including Angola, Belgium, France and South Africa. The recent agreement concluded between the Democratic Republic of the Congo, South Africa and Belgium on 13 December in Kinshasa, on the modalities for the implementation of a joint Belgian and South African training project for FARDC, is an important step forward in harmonizing the coordination of these efforts. However, while these countries are willing to provide technical expertise in planning and training, no bilateral partner has so far come forward to provide the much-needed financing for material support.

27. In this connection, there has been little concrete progress on military integration and reform since the submission of my last report, on 16 August 2004 (S/2004/650). As a consequence, parallel chains of command persist and military units are under-resourced and cannot sustain long-term operations. In the absence of concrete progress in defence-sector reform, disarmament, demobilization and reintegration, while officially launched at the end of June 2004, has yet to be implemented.

28. Under the national disarmament, demobilization and reintegration programme, 25 *centres d'orientation* and 16 *centres de brassage* for the integration of the army are to be established at different locations throughout the country. A *plan d'urgence* has been developed by which six *centres de brassage* and 12 *centres d'orientation* are to be opened to allow for the integration of six brigades by mid-June 2005, and thus prior to elections. To implement these plans and ensure the functioning of the six *centres de brassage*, various budget proposals have been submitted to the Government and donors, totalling up to $29 million. While there are no prospective donors to fund the whole amount, the Netherlands has indicated its willingness to withdraw $5 million from the World Bank-led Multi-Country Demobilization and Reintegration Programme to start the process. In addition, South Africa is considering the possibility of training engineering contingents to refurbish the *centres de brassage*.

IV. Implementation of the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo

29. In its resolution 1565 (2004) of 1 October 2004, the Security Council endorsed the political path foreseen in my report of 16 August 2004 (S/2004/650), which recommended that the MONUC mandate be focused on the key issues to enable the holding of free and fair elections in 2005. However, the Council authorized less than half the proposed increase in troop strength, posing a significant challenge for the implementation of the MONUC mandate. In this connection, under paragraph 8 of resolution 1565 (2004), the Security Council requested the Secretary-General to report to it on reforms necessary to improve the structures of command and control and the management of military information within MONUC and to rationalize the civilian and police components of the Mission. Accordingly, a joint MONUC/Department of Peacekeeping Operations mission led by the Under-Secretary-General for Peacekeeping Operations and the Special Representative of the Secretary-General reviewed the implementation of the mandate and made a number of recommendations, as discussed below.

Political-military concept

30. The overall goal of MONUC in the Democratic Republic of the Congo is the holding of credible elections followed by a stable and sustainable peace. To this end, MONUC will continue to support the full and fair implementation of the peace agreement and mobilize the leverage necessary to encourage the ex-belligerents to accept a post-transitional political dispensation that offers prospects of security, democratic reform and good governance. These objectives would be achieved through two parallel approaches: (a) MONUC will seek to lay the foundations for a stable post-transition period by helping the Goverament to draft essential legislation and hold credible elections and (b) MONUC, in close cooperation with CIAT, will seek to create concrete leverage through effective information collection and analysis that can lead to internationally sanctioned actions aimed at neutralizing spoilers. The success of these approaches will depend on MONUC and the wider international community working in tandem to achieve common objectives.

31. In supporting the political strategy of MONUC, the role of the military component can be articulated around four key strategic objectives: (a) proactively contributing to the pacification and general improvement of security in the country (disarmament, demobilization and reintegration; army integration; and disarmament, demobilization, repatriation, resettlement and reintegration); (b) providing support for conflict resolution in politically volatile areas (crisis management); (c) improving border security through regional confidence-building mechanisms, such as the Joint Verification Mechanism, and effective patrolling and monitoring of the arms embargo; and (d) gathering and analysing military and other information on spoilers. In addition, two other MONUC activities can be honed to support this political-military strategy: (a) effective and efficient integrated information collection and analysis through the joint mission analysis cell and (b) use of the Mission's public information system to broadcast objective information and the key objectives and successes of MONUC.

32. MONUC will also continue to advocate addressing the need for long-term institutional reform of the security and justice sectors, necessary to realize a State based on the rule of law. Prior to elections, MONUC will concentrate on army integration and disarmament, the provision of police advisory services and the preparation of training programmes that could be undertaken once the Transitional Government is ready to move forward in this regard. In addition, MONUC will continue to assist in the coordination and facilitation of international support necessary to address the long-term needs of rule-of-law institutions in the Democratic Republic of the Congo.

Disarmament, demobilization, repatriation, resettlement and reintegration concept of operations

33. The Rwandan armed-group presence in the eastern Democratic Republic of the Congo is both a threat to the security of the Rwandan population in border areas and the local civilian Congolese population and a long-term irritant in relations between the Democratic Republic of the Congo and Rwanda. It also exacerbates the strained relations among various ethnic groups and armed elements in the Kivus. MONUC has now adjusted its disarmament, demobilization, repatriation, resettlement and reintegration and military concepts of operations to conform to this assessment and to the actions taken by the Democratic Republic of the Congo Government to address the armed-group problem, as described in paragraphs 16 to 25 above. If FARDC eventually proceeded to disarm FDLR combatants by force, MONUC would then repatriate those who wished to return to their countries of origin. Those who still did not wish to return would be dealt with on a bilateral basis by the Governments of the Democratic Republic of the Congo and Rwanda and, as appropriate, the International Criminal Tribunal for Rwanda.

34. Despite the renewed vigour of the Transitional Government in regard to disarming the ex-FAR/Interahamwe, including by force if necessary, some Congolese and Member States continue to call on MONUC to forcibly disarm the foreign armed groups. The Governments concerned must jointly address the future of these illegal elements, including their forcible disarmament, extradition and submission to the International Criminal Tribunal for Rwanda in accordance with existing mechanisms. MONUC, with its increased presence in the Kivus, will

proactively support the FARDC in disarming FDLR and, in this connection, will use force to protect civilians.

Joint commissions

35. In its resolution 1565 (2004), the Security Council mandated MONUC to establish three joint commissions with a view to assisting the Transitional Government in security-sector reform, essential legislation and elections. In regard to elections, the existing framework, the Electoral Technical Committee, would remain the main body of the envisaged joint commission. The Technical Committee, which was established in October 2003, consists of representatives of MONUC and of the Independent Electoral Commission and experts provided by the international community. During the reporting period, the Technical Committee assisted the International Electoral Commission with the preparation of the draft law on voter registration, the preparation of an operational framework for the holding of elections and the draft law on nationality. At the same time, the Technical Committee continues to provide regular assistance to the Independent Electoral Commission on managerial, logistical and financial issues. The work of the Technical Committee is supported by a Steering Committee, which essentially manages, in collaboration with UNDP, the "basket fund" for elections.

36. The National Assembly and Senate have agreed on the establishment of the Joint Commission on Essential Legislation, to be chaired by MONUC. On 7 November MONUC convened a meeting of interested donors to discuss its terms of reference. The Commission will provide advice on the elaboration and implementation of key legislation, including the Constitution and the laws on nationality, voter registration, referendums, decentralization and elections. It is widely acknowledged that the Commission would benefit from the participation, assistance and political support of key Member States.

37. The Joint Commission on Security Sector Reform, which comprises representatives of Angola, Belgium, France, the Netherlands, South Africa, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the European Union, as well as MONUC, will coordinate and supplement existing assistance in support of the integration and reform of the Congolese police, armed forces and security institutions. Specifically, the Commission will develop a plan for the integration and reform of the armed forces, provide technical advice and coordinate donor assistance in support of security-sector reform. MONUC has invited Member States to support the work of the Commission through the provision of technical assistance and expertise. Taken together, these measures, should provide a much-needed catalyst for the security-sector reform process.

Revised military concept of operations

38. In its resolution 1565 (2004), the Security Council authorized an increase in the strength of MONUC by an additional 5,900 personnel, including up to 341 civilian police personnel, which is some 7,200 fewer than I recommended in my third special report on MONUC (S/2004/650). In this connection, the Department of Peacekeeping Operations and MONUC have adjusted the Mission's military concept

of operations to reflect the tasks set out by the Security Council in paragraphs 4 and 5 of resolution 1565 (2004).

39. Ituri and the Kivus continue to be the most insecure areas of the Democratic Republic of the Congo, while the situation in other areas, such as Katanga, the Kasais and Kinshasa, remains unpredictable and potentially volatile. Hence, the military deployment of MONUC will be concentrated in the east, while a degree of readiness will be maintained to address threats in other areas within its available resources. In addition to the Ituri brigade, one of the two new brigades (Pakistani) will be deployed in South Kivu, with its headquarters in Bukavu, and the other (Indian) will be deployed in North Kivu, with its headquarters in Goma. These three brigades will constitute the Eastern Division, which will be commanded from a divisional headquarters in Kisangani. The Division will also include a reserve battalion (South African) of 850 personnel, comprising four companies, with two companies ready to move at quick notice and two that will be deployed for operations in areas of the eastern Democratic Republic of the Congo, where there will be no permanent military presence, and will be ready to move at short notice.

40. The creation of the divisional headquarters has been necessitated by the increased span of command. To this end, the rank of the Force Commander will be raised to Lieutenant General, and the rank of the Division Commander will be Major General. While the Force Commander will retain overall strategic command of all the military components of MONUC, the Division Commander will be assigned operational and tactical control of the forces within his area of operation. MONUC military observers will be commanded and tasked by the brigade headquarters under whose areas of operation they operate.

41. In Kinshasa, some 900 military personnel continue to serve as the "neutral force", contributing to the multi-layer security system to protect the Transitional Government and its leaders. An additional battalion (Uruguayan) will be deployed to Kinshasa to complement these troops and will serve as the force reserve. Elements of the force reserve will remain prepared to move at quick notice while at the same time carrying out security tasks related to Kinshasa. The neutral force, the force reserve and a gendarmerie unit will be under the command of the force headquarters in Kinshasa.

42. The tasks of the neutral force will be taken over gradually by the Congolese Integrated Police Unit after it completes its training provided by the European Union, in the spring of 2005. Thereafter, as elections approach, the troops of the neutral force will reinforce its positions at MONUC installations and facilities, maintain open axes to the MONUC air terminal and conduct other security-related tasks in Kinshasa.

43. In order to implement the new military concept of operations, the three battalions in Ituri will each be reduced to a troop strength of 850, consistent with other infantry battalions in MONUC. The South African battalion and the Uruguayan battalion, which will act as the division and force reserves, respectively, will also each be reduced to 850 personnel. In addition, the personnel of the present MONUC force headquarters will be reduced by approximately one third, as the majority of the operational responsibilities will be devolved to the divisional headquarters. The force headquarters personnel will be further reduced when military staff officers in the Integrated Support Services are replaced by civilians.

Joint mission analysis

44. While MONUC has access to a significant amount of detailed information, it does not have a mechanism in place to collect and analyse such information according to a strategic plan in support of the Mission's overall objectives and the needs of its senior command personnel. In this connection, its Operations Centre, functioning 24 hours a day, seven days a week, which is currently led by the military, will be strengthened by civilian staff in order to ensure continuity and an understanding of the political elements of the Mission. When needed, the Operations Centre evolves into the core of a Crisis Action Centre, with an expanded civilian membership of political, humanitarian and administrative personnel. MONUC has also created a joint mission analysis cell to enhance its capacities for information collection, analysis and policy harmonization. Its core team comprises political affairs and military staff, working under the guidance of a senior supervision group.

Cooperation of the United Nations Organization Mission in the Democratic Republic of the Congo with the United Nations Operation in Burundi

45. MONUC and the United Nations Operation in Burundi have established formal channels of communication to share information and collaborate on issues of common concern. The missions conduct concurrent operations, such as those related to the movement of Congolese refugees from Burundi to the Democratic Republic of the Congo in September and October, and provide logistic support within their capabilities to each other's activities. Information is shared regularly through the respective Operations Centres, and joint senior staff and local-level coordination meetings are held on a regular basis. Moreover, the missions have established interdepartmental political, human rights, child protection and humanitarian contacts, and their joint mission analysis cells will soon begin to produce joint analyses.

Civilian police activities and deployment

46. In August a national police seminar was held in Kinshasa, with the participation of the Transitional Government, MONUC and interested donors, to assist the transitional authorities in developing a comprehensive plan for the reform and training of the national police. While a committee was established to follow up on the recommendations of the seminar, the Transitional Government designated its representatives to that committee only on 16 December 2004.

47. In the meantime, bilateral assistance for the training of police has progressed. The Government of France continued its training programme for the Rapid Intervention Police. The European Union has started its training and equipping of the Integrated Police Unit. South Africa is also providing police training assistance, with emphasis on building capacity at the intermediary command level of the Congolese police.

Civilian police concept of operations

48. In the absence of follow-up action on the preparation of an overall police reform plan, the Transitional Government has not been in a position to take advantage of the assistance, proposed in my last report, for MONUC to train up to 6,000 national police in the period leading to elections. In this connection, the Department of Peacekeeping Operations/MONUC joint review mission determined that the most effective support that MONUC could provide at this stage for police reform would be advice and advocacy at the national and the provincial level, while at the same time maintaining preparedness to provide training assistance for overall police reform when the Government is ready.

49. In the light of the foregoing, MONUC advisory assistance would focus on senior level awareness-building in democratic policing through seminars, workshops and other advocacy initiatives; support for the development and implementation of training initiatives; co-location of MONUC police advisers at national and provincial police headquarters; planning advice on the role of police during the elections and support in the implementation of such plans; and coordination of international support for capacity-building, including training and logistical support. At the same time, MONUC will continue to engage in discussions with the Government and donors with a view to providing planning and training assistance for overall police reform once the Transitional Government is ready to move forward in this regard. Pending further review, the currently deployed 182 MONUC civilian police officers are considered to be sufficient to carry out the above-mentioned activities.

Revised logistic concept

50. Providing logistical support to units operating in an area of over 2 million square kilometres in a very demanding physical and climatic environment has been a considerable challenge for MONUC, but one that has been met with notable success. With the induction of an additional 5,900 troops and the establishment of a division brigade headquarters in Kisangani, MONUC is reconfiguring its administrative organization with a view to increasing the efficiency of its logistic support. This will be based on the decentralization of financial accountability, of operational planning and of resource allocation and support, which will allow for greater flexibility and real-time responsiveness to the operational and tactical activities of the Mission's components, in particular its military operations.

51. At the managerial level, MONUC will co-locate a Deputy Director of Administration with the division headquarters in Kisangani, with required delegation of authority for operational planning, support and committing financial and material resources. The Mission will also delegate a greater degree of financial and operational authority to its regional administrative offices in Bunia, Bukavu, Goma and Kinshasa.

V. Human rights and child protection

Human rights

52. During the period under review, the human rights situation in the Democratic Republic of the Congo has not improved. Attempts to address the issue of impunity — such as the reopening, before a military court, of the Ankoro trial, concerning crimes against humanity committed in November 2002 — have not been matched by a real commitment from the Transitional Government to stop, prevent or even condemn continued human rights violations. In this connection, the Ministry for Human Rights has thus far been frustrated in its attempts to seek justice for the victims of the events that unfolded in the villages of Songo Mboyo and Bongandanga (Equateur province) on 21 December 2003, when a FARDC battalion reportedly raped more than 100 women and children.

53. The National Human Rights Observatory and the Truth and Reconciliation Commission, mandated under the Global and All-Inclusive Agreement, are not fully established. The appointment of the 13 additional members to the Truth and Reconciliation Commission was marred by irregularities that affected its independence as an institution. Moreover, there has been little effort to strengthen the justice system and to improve the basic health conditions of prisons and other detention centres, where the majority of inmates are not fed and receive no medical care.

54. The population of Ituri continues to be subjected to killings and widespread violence, especially of a sexual nature, at the hands of virtually all the militias operating in the region. The territories of Mahagi and Kpandroma appear to have been particularly targeted. On Lake Albert, FRPI and, to a lesser extent, UPC are responsible for acts of piracy against local fishermen, who are often abducted and kept in slavery, when not killed. In that area, women are equally affected by slavery. Against that background, MONUC continues to support the action of the Ituri judiciary, whose magistrates continue to investigate, prosecute and try perpetrators of serious crimes despite being the targets of continued threats. In this connection, MONUC has expressed concern at the Transitional Government's inaction with regard to holding Thomas Lubanga accountable for the human rights abuses conducted by his UPC, which has been recognized as a political party, despite its continued abduction of innocent civilians, as well as its abduction of a MONUC military officer in September.

55. Abuses also continue to be committed in the Kivus, Maniema, Katanga and Orientale province by both FARDC and various militias. Sexual violence is rife, and returning Banyamulenge and other refugees have been arbitrarily arrested and detained. Abuses against the local population by the Presidential Guard have been reported in Kindu, Kisangani, Lubumbashi and Kinshasa.

56. In the run-up to elections, MONUC has established a database of civil rights violations as a monitoring tool. It has also organized seminars, workshops and training sessions to sensitize the Congolese population and authorities on human rights issues, including training sessions on rape and sexual violence in Goma and Lubumbashi, on the administration of justice in Kalemie and on the participation of women in the forthcoming elections in Goma and Kisangani.

Child protection

57. At the national level, MONUC continues to facilitate the participation of national and provincial officials in workshops on child protection and to visit detention facilities. Together with child protection partners, MONUC is also working with the Parliament and relevant Government ministries to encourage the establishment of a child-protection legal framework, including constitutional and legislative provisions that would address child rights and support programmes for vulnerable children.

58. Resistance by some military commanders to releasing children from armed groups, and re-recruitment in some areas, continues in spite of continued advocacy and the establishment of structures for the reintegration of demobilized children. Despite these obstacles, more than 3,000 children have been disarmed and demobilized since October 2003.

VI. Humanitarian situation

59. The humanitarian situation remained precarious during the reporting period, especially in the Kivus, where the repercussions of the 13 August massacre of 152 Banyamulenge refugees at the Gatumba transit centre in Burundi continued to reverberate. In mid-September, some 366 refugees were stuck in the no-man's land between the borders of Burundi and the Democratic Republic of the Congo for three days, after the South Kivu authorities closed the Democratic Republic of the Congo entry point. With the intervention of a high-level Government delegation, led by the Vice-Minister of the Interior, on 26 September they were allowed to enter the Democratic Republic of the Congo and were moved to a transit camp in Uvira. During the transfer process, however, the group was met by violent demonstrations from the local population. MONUC and FARDC protected the returnees and facilitated humanitarian assistance by the Office of the United Nations High Commissioner for Refugees (UNHCR) and others at the transit centre. All the refugees were resettled by 5 October.

60. A similar incident occurred between 7 and 11 October, when another group of some 1,600 Banyamulenge refugees from Burundi was once again refused entry into the Democratic Republic of the Congo. With the assistance of the same high-level Government delegation, the refugees were repatriated on 11 October. On the basis of lessons learned from these experiences, the Transitional Government, with the support of United Nations agencies and non-governmental organizations, has commenced a process of coordinated planning for the return and resettlement of refugees and internally displaced persons. Elsewhere in the country, UNHCR has started the repatriation of 3,000 Congolese refugees from the Central African Republic, and plans to repatriate 58,000 Congolese refugees from the Congo.

61. The tensions in the eastern Democratic Republic of the Congo also triggered a number of population movements within the country during the reporting period. In mid-September, an estimated 10,000 people fled the area around Nyabibwe in South Kivu, and in early October more than 4,500 people were displaced in the area of Manguredjipa in North Kivu. In the aftermath of clashes between FARDC troops and elements belonging to the ex-RCD-Goma in Kanyabayonga and other locations

in mid-December, additional large numbers of internally displaced persons have been reported.

62. On 11 November, the 2005 consolidated appeal for the Democratic Republic of the Congo was launched. The appeal reflects some $185 million in projects to provide immediate life-saving assistance, reduce the vulnerability of the population and support the transition to development.

VII. Public information

63. During the reporting period, MONUC reinforced its community-outreach activities. It disseminated over 100,000 posters and 20,000 magazines promoting national reconciliation, donated 65,000 notebooks to school children across the Democratic Republic of the Congo and carried out information campaigns explaining its role and mandate. MONUC has also established an action plan for civic education during the electoral period, using radio broadcasts and monthly newsletters in national languages.

64. Since 17 September, Radio Okapi has increased its broadcast capacity by introducing a live, Internet-based broadcasting service and new programmes and magazines addressing political, social, economic, women's and youth issues. In early November, MONUC deployed a mobile radio in North Kivu in support of disarmament, demobilization, repatriation, resettlement and reintegration operations. It also produced a documentary on the Bukavu crisis of May/June 2004, co-produced with an international partner a film on sexual violence in the Democratic Republic of the Congo and produced a video to help sensitize Mission personnel on its code of conduct and zero-tolerance policy towards sexual abuse.

VIII. Conduct of personnel of the United Nations Organization Mission in the Democratic Republic of the Congo

65. MONUC and the United Nations Secretariat continue to follow up vigorously on allegations of sexual exploitation and abuse. Between June and September 2004, an Office of Internal Oversight Services investigation into sexual misconduct in Bunia revealed that 8 of some 72 allegations could be corroborated. The majority of these allegations pertain to soliciting the services of prostitutes, which is a violation of the code of conduct. All of these cases are being followed up to ensure that the proper disciplinary action is taken.

66. In November, a Department of Peacekeeping Operations/Office of Human Resources Management team was dispatched to MONUC to look into specific allegations made against several civilian personnel in other areas of the Mission, who had earlier been suspended pending further investigations. The team is currently finalizing its report. In the meantime, the first elements of a larger team, headed by the Assistant Secretary-General for General Assembly and Conference Management, Angela Kane, have been deployed to the country. The team, which includes highly specialized civilian police investigators, will address outstanding allegations against military and civilian personnel in MONUC. At the same time, MONUC and other United Nations partners are developing measures to provide

immediate medical and psychosocial assistance to the victims of any abuses, while MONUC continues to implement a strong awareness campaign in the Mission.

67. As a result of these actions, a number of staff have been placed on suspension, pending the completion of investigations. In addition, an international civilian staff member was removed from the Mission in late October and is facing judicial hearings in his home country on charges of rape, sexual aggression, corruption of female minors and possession of pornographic pictures of female minors.

68. As a consequence of these deplorable events, an interdepartmental task force has been established at United Nations Headquarters to coordinate actions and responses to allegations of sexual exploitation and abuse against peacekeeping personnel and to address prevention, advocacy and long-term policy issues. I have made it clear that my attitude to sexual exploitation and abuse is one of zero tolerance, without exception, and I am determined to implement this policy in the most transparent manner. With this in mind, in July I requested the Permanent Representative of Jordan, Prince Zeid Ra'ad Zeid Al-Hussein, to serve as my Adviser in addressing sexual exploitation and abuse committed by all categories of personnel in peacekeeping contexts. He visited the Democratic Republic of the Congo in October to gain a first-hand understanding of the nature of the problem and will continue to assist me in developing a comprehensive strategy to prevent and respond to exploitation and abuse not only in MONUC, but in all peacekeeping operations around the world.

IX. Financial aspects

69. The General Assembly, by its resolution 58/259 B of 18 June 2004, appropriated $709,123,200 for MONUC for the financial period from 1 July 2004 to 30 June 2005. Resources approved by the Assembly for the Mission provide for its maintenance based on the concept of operations and authorized troop and civilian police strength approved by the Security Council in its resolution 1493 (2003) of 28 July 2003. Additional resource requirements of the Mission arising from the Council's decision in its resolution 1565 (2004) to increase the authorized strength of MONUC by 5,900 personnel will be submitted to the Assembly during the first part of its resumed fifty-ninth session, in early 2005. As at 30 November 2004, unpaid assessed contributions to the MONUC special account amounted to $374.2 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,382.4 million.

70. Since its establishment in October 1999, the trust fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to $1.4 million, with expenditure to date of $0.9 million. With regard to the trust fund to support the Ituri Pacification Commission, established in July 2003, expenditure against voluntary contributions of $0.35 million amounted to $0.32 million.

X. Observations

71. While the transitional process in the Democratic Republic of the Congo is steadily, albeit slowly, progressing towards elections, serious challenges remain.

The security situation in the east and the inherent difficulties of governance associated with the presence of a coalition of former belligerents are compounded by the devastating effects of war on the social fabric and physical infrastructure of the country. At this time, the parties must turn their full attention towards real power-sharing and overcoming the mistrust that continues to impede the establishment of a truly unified country. The Congolese parties also must take the steps necessary to assure the population that the elections will be conducted in a transparent manner and in an environment free of political violence. In this connection, I call on the parties to ensure that the forthcoming debate on the Constitution and electoral laws results in a system of governance that guarantees inclusiveness and broad participation.

72. The human rights situation in the Democratic Republic of the Congo remains deeply disturbing. In Ituri, the inaction of the Transitional Government with regard to addressing the status of Thomas Lubanga, whose UPC was responsible for kidnapping a MONUC soldier and which routinely issues death threats against MONUC and associated personnel, and the reports of FARDC soldiers having engaged in human rights abuses are unacceptable. In this connection, I urge the Transitional Government to send a strong public message to all concerned that it will hold them accountable for human rights violations.

73. Although there has been some visible progress with regard to the extension of State authority, transparent and legitimate local governance has yet to take root in many areas. This process has been hindered by the lack of infrastructure, the irregular payment of salaries of civil servants and the illegal exploitation of natural resources. In this connection, I urge the Transitional Government to ensure that the economic and natural resources of the Democratic Republic of the Congo are utilized in such a way as to benefit all of the Congolese people.

74. The difficulties encountered in the reform of the security sector remain daunting, due not only to the challenge of building trust and cohesion between the parties, but also to the need for the international community to find a means of effectively assisting security-sector reform in a post-conflict society. In this connection, I welcome the efforts of the European Community and bilateral donors to put in place a means of providing the financial and material support required for the integration and reform of the military. I am also heartened by the recent progress towards a more coordinated international approach in supporting the overall transitional process. In addition, thanks to the good work achieved by CIAT, the Joint Commissions on Essential Legislation, Elections and Security Sector Reform have now been established. These Commissions will assist in targeting international technical and financial assistance on the key aspects of the transitional process that are necessary for the holding of elections and the establishment of a stable society.

75. Unfortunately, the neighbours of the Democratic Republic of the Congo have yet to provide the full support necessary for the Government to take the action required to establish peaceful conditions in the east. The Tripartite Agreement brokered by the United States of America and the signing of the Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region on 20 November by 11 heads of State of the region were significant steps forward. Yet the recent statements of Rwanda in regard to the possible unilateral deployment of its troops into the Democratic Republic of the Congo to disarm ex-FAR/Interahamwe elements have had a negative impact on the security situation

in the east. I understand fully Rwanda's concern over remaining genocidal elements across its border, and I welcome its recent statement that it will work with the Transitional Government and MONUC as they step up their capacities to address this issue once and for all. In this connection, I appeal to the Governments of Rwanda and the Democratic Republic of the Congo to cooperate fully within the Joint Verification Mechanism. Rwanda can only benefit from the well-coordinated and peaceful extension of the authority of the Transitional Government of the Democratic Republic of the Congo throughout its territory. In the spirit of reconciliation, I urge full cooperation between these Governments to ensure that peace is restored to the eastern Democratic Republic of the Congo. I also call on Uganda to play a positive role in assisting the Transitional Government in extending its authority throughout Ituri.

76. I am grateful to the Security Council for its decision to provide a partial increase in the strength of MONUC, by an additional 5,900 personnel. These personnel have already started to deploy and will play a key role in stabilizing the Kivus and in supporting the disarmament of foreign armed combatants. The military and other structural reforms now being implemented by MONUC will ensure that the most effective use is made of these assets. However, I remain concerned that as the electoral campaign process gears up, violence will erupt in other inherently unstable areas of the country. I therefore intend to revert to the Security Council in my next report with further recommendations in this regard.

77. I commend the work of the thousands of men and women of MONUC and the United Nations agencies and programmes who have dedicated themselves, often putting their lives at risk, to help the Congolese people restore peace in their country. Their good work and reputations have been put to the test by some individuals who have engaged in the sexual exploitation of vulnerable women and girls in the Democratic Republic of the Congo. In this connection, I am afraid there is clear evidence that acts of gross misconduct have taken place. This is a shameful thing for the United Nations to have to say, and I am outraged by it. My Special Representative and I are committed to ensuring that all United Nations personnel in the Democratic Republic of the Congo conduct themselves to the highest standards. I would like to take this opportunity to assure the people of the Democratic Republic of the Congo that any United Nations personnel found to have breached the code of conduct will be disciplined in a transparent and expeditious manner. In closing, I would like to thank my Special Representative, William Lacy Swing, and the men and women of MONUC for their dedication to the service of peace in the Democratic Republic of the Congo.

Abbreviations

CIAT	International Committee in Support of the Transition
FAPC	Forces armées du peuple congolais
FAR	Forces armées rwandaises
FARDC	Forces armées de la République démocratique du Congo
FDLR	Forces démocratiques de libération du Rwanda
FRPI	Front de résistance patriotique pour l'Ituri
ML	Mouvement de libération
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
ONUB	United Nations Operation in Burundi
RCD	Rassemblement congolais pour la démocratie
UNDP	United Nations Development Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UPC	Union des patriotes congolais